

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re Terrorist Attacks on September 11, 2001

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) 03 MDL 1570 (GBD)  
) ECF Case  
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This document relates to:

*Euro Brokers Inc. v. Al Baraka Investment & Devel. Corp.*, 04-cv-07279

**DUBAI ISLAMIC BANK'S ANSWER TO PLAINTIFFS' COMPLAINT<sup>1</sup>**

**BACKGROUND**

1. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
2. DIB admits only that on September 11, 2001, an airplane crashed into the South Tower of the World Trade Center. DIB is without knowledge or information sufficient to form a belief about the truth of the remaining allegations, and therefore those allegations are denied.
3. DIB admits only that the South Tower of the World Trade Center collapsed. DIB is without knowledge or information sufficient to form a belief about the truth of the remaining allegations, and therefore those allegations are denied.
4. DIB admits only that an organization called "al Qaeda" took responsibility for the plane crashed on September 11, 2001. DIB is without knowledge or information sufficient to form a belief about the truth of the remaining allegations, and therefore those allegations are denied.

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<sup>1</sup> Note that each numbered paragraph in this answer corresponds with and responds to the paragraph in the Euro Brokers Inc. v. Al Baraka Investment & Devel. Corp. Complaint bearing the same number.

5. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

### **JURISDICTION**

6. These allegations are conclusions of law to which no response is required. To the extent these allegations are deemed to require a response, they are denied.

### **VENUE**

7. These allegations are conclusions of law to which no response is required. To the extent these allegations are deemed to require a response, they are denied.

### **PARTIES**

#### **A. PLAINTIFFS**

8. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
9. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
10. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
11. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
12. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

13. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
14. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
15. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
16. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

**B. DEFENDANTS**

17. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
18. To the extent that these allegations relate to DIB, DIB denies these allegations. To the extent these allegations relate to defendants other than DIB, DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied.

**The Al Qaeda Defendants**

19. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
20. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

21. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
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24. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
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26. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
27. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
28. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

**The Charity and Relief Organization Defendants**

29. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations,

and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

30. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
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36. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

**Defendant International Islamic Relief Organization**

37. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

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48. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
49. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

**Defendant Muslim World League**

50. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
51. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
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58. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
59. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

**Defendant Al-Haramain**

60. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
61. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
62. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
63. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations,



and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

64. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
65. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
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67. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
68. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
69. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

**Defendant Mercy International Relief Agency**

70. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
71. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

- 72. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
- 73. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
- 74. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

**Banking and Financial Defendants**

- 75. DIB is without knowledge or information sufficient to form a belief about the truth of these allegations, and therefore those allegations are denied.
- 76. DIB is without knowledge or information sufficient to form a belief about the truth of these allegations, and therefore those allegations are denied.
- 77. DIB is without knowledge or information sufficient to form a belief about the truth of these allegations, and therefore those allegations are denied.

**Defendant National Commercial Bank**

- 78. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
- 79. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
- 80. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
- 81. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations,

and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

82. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

**Defendants Dallah Albaraka and Al Baraka**

83. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
84. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
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89. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

90. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

**Defendant Al-Rajhi Banking and Investment Corporation**

91. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
92. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
93. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
94. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
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96. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

**Defendant Al-Barakaat**

97. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

98. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
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100. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
101. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

**Defendant Bank al-Taqwa Limited**

102. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
103. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
104. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
105. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
106. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations,

and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

**Defendant Al Shamal Bank and certain of its major shareholders and co-founders**

107. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
108. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
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120. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

**Defendant Dubai Islamic Bank**

121. DIB admits only that it is headquartered in the U.A.E. DIB is without knowledge or information sufficient to form a belief about the truth of the allegations that BCCI was named in a 1992 U.S. Senate Report as a money laundering operation used to sponsor terrorism, and therefore they are denied. To the extent the remaining allegations purport to characterize the contents of a document, that document speaks for itself and therefore no response is required. To the extent these allegations are deemed to require a response, they are denied. DIB denies the remaining allegations.
122. DIB admits that it is a legitimate banking and financial institution. DIB denies the remaining allegations.

123. DIB denies that it has knowingly and intentionally provided financial and bank account services to several Al Qaeda operatives. DIB is without knowledge or information sufficient to form a belief about the truth of the remaining allegations, and therefore those allegations are denied.
124. DIB denies that the Central Bank of U.A.E. froze DIB's accounts and investments. To the extent that the remaining allegations purport to characterize the contents of documents; those documents speak for themselves and therefore no response is required. To the extent these allegations are deemed to require a response, they are denied. DIB denies the remaining allegations.
125. DIB denies these allegations.

**Foreign Governmental Defendants**

126. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
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**The Foreign Governmental Defendants and Certain Charity and Relief Organization Defendants**

128. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
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133. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

**The Foreign Governmental Defendants and Certain Banking and Financial Defendants**

134. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
135. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
136. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
137. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
138. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

**Foreign Governmental Defendant Prince Turki**

139. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
140. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
141. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
142. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.
143. These allegations appear to relate to defendants other than DIB; DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied. To the extent that these allegations relate to DIB, DIB denies these allegations.

**CLAIMS FOR RELIEF**

**COUNT ONE**

**CLAIMS FOR PROPERTY DAMAGE AGAINST ALL DEFENDANTS  
BASED UPON TRESPASS**

144. DIB hereby incorporates its responses to the previous allegations as if fully set forth herein.
145. DIB is without knowledge or information sufficient to form a belief about the truth of these allegations, and therefore those allegations are denied.
146. To the extent that these allegations relate to DIB, DIB denies these allegations. To the extent these allegations relate to defendants other than DIB, DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied.

147. To the extent that these allegations relate to DIB, DIB denies these allegations. To the extent these allegations relate to defendants other than DIB, DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied.
148. To the extent that these allegations relate to DIB, DIB denies these allegations. To the extent these allegations relate to defendants other than DIB, DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied.
149. To the extent that these allegations relate to DIB, DIB denies these allegations. To the extent these allegations relate to defendants other than DIB, DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied.
150. These allegations are conclusions of law to which no response is required. To the extent these allegations are deemed to require a response, they are denied.

## **COUNT TWO**

### **CLAIMS FOR PROPERTY DAMAGE AGAINST THE CHARITY AND RELIEF ORGANIZATION DEFENDANTS AND THE BANKING AND FINANCIAL DEFENDANTS FOR AIDING AND ABETTING A VIOLATION OF 18 U.S.C. §§ 2331,2333, et seq. ("Anti-terrorism Act")**

151. DIB hereby incorporates its responses to the previous allegations as if fully set forth herein.
152. DIB is without knowledge or information sufficient to form a belief about the truth of these allegations, and therefore those allegations are denied.
153. These allegations are conclusions of law to which no response is required. To the extent these allegations are deemed to require a response, they are denied.
154. These allegations are conclusions of law to which no response is required. To the extent these allegations are deemed to require a response, they are denied.
155. These allegations are conclusions of law to which no response is required. To the extent these allegations are deemed to require a response, they are denied.
156. To the extent that these allegations relate to DIB, DIB denies these allegations. To the extent these allegations relate to defendants other than DIB, DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied.

157. To the extent that these allegations relate to DIB, DIB denies these allegations. To the extent these allegations relate to defendants other than DIB, DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied.
158. To the extent that these allegations relate to DIB, DIB denies these allegations. To the extent these allegations relate to defendants other than DIB, DIB is without knowledge or information sufficient to form a belief about the truth of the allegations, and therefore those allegations are denied.
159. These allegations are conclusions of law to which no response is required. To the extent these allegations are deemed to require a response, they are denied.

**COUNT THREE**

**VIOLATION OF THE RACKETEERING INFLUENCED  
AND CORRUPT ORGANIZATIONS ACT (“RICO”)  
18 U.S.C. § 1962(a)**

160. No response is required from DIB to the allegations in this paragraph because the 18 U.S.C. § 1962(a) cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.
161. No response is required from DIB to the allegations in this paragraph because the 18 U.S.C. § 1962(a) cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.
162. No response is required from DIB to the allegations in this paragraph because the 18 U.S.C. § 1962(a) cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.

**COUNT FOUR**

**VIOLATION OF THE RACKETEERING INFLUENCED  
AND CORRUPT ORGANIZATIONS ACT (“RICO”)  
18 U.S.C. § 1962(c)**

163. No response is required from DIB to the allegations in this paragraph because the 18 U.S.C. § 1962(c) cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.
164. No response is required from DIB to the allegations in this paragraph because the 18 U.S.C. § 1962(c) cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.
165. No response is required from DIB to the allegations in this paragraph because the 18 U.S.C. § 1962(c) cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.
166. No response is required from DIB to the allegations in this paragraph because the 18 U.S.C. § 1962(c) cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.
167. No response is required from DIB to the allegations in this paragraph because the 18 U.S.C. § 1962(c) cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the

truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.

168. No response is required from DIB to the allegations in this paragraph because the 18 U.S.C. § 1962(c) cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.
169. No response is required from DIB to the allegations in this paragraph because the 18 U.S.C. § 1962(c) cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.
170. No response is required from DIB to the allegations in this paragraph because the 18 U.S.C. § 1962(c) cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.

#### **COUNT FIVE**

#### **VIOLATION OF RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT (“RICO”)**

#### **18 U.S.C. § 1962(d)**

171. No response is required from DIB to the allegations in this paragraph because the 18 U.S.C. § 1962(d) cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.
172. No response is required from DIB to the allegations in this paragraph because the 18 U.S.C. § 1962(d) cause of action against DIB was dismissed by the Memorandum

Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.

173. No response is required from DIB to the allegations in this paragraph because the 18 U.S.C. § 1962(d) cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.
174. No response is required from DIB to the allegations in this paragraph because the 18 U.S.C. § 1962(d) cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.
175. No response is required from DIB to the allegations in this paragraph because the 18 U.S.C. § 1962(d) cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.
176. No response is required from DIB to the allegations in this paragraph because the 18 U.S.C. § 1962(d) cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.
177. No response is required from DIB to the allegations in this paragraph because the 18 U.S.C. § 1962(d) cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to



DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.

178. No response is required from DIB to the allegations in this paragraph because the 18 U.S.C. § 1962(d) cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.

### **COUNT SIX**

#### **CLAIMS FOR PROPERTY DAMAGE AGAINST THE DEFENDANTS FOR VIOLATING INTERNATIONAL LAW**

179. No response is required from DIB to the allegations in this paragraph because the Violation of International Law cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.
180. No response is required from DIB to the allegations in this paragraph because the Violation of International Law cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.
181. No response is required from DIB to the allegations in this paragraph because the Violation of International Law cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.
182. No response is required from DIB to the allegations in this paragraph because the Violation of International Law cause of action against DIB was dismissed by the



Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.

183. No response is required from DIB to the allegations in this paragraph because the Violation of International Law cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.
184. No response is required from DIB to the allegations in this paragraph because the Violation of International Law cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.

#### **COUNT SEVEN**

#### **CLAIMS FOR PROPERTY DAMAGE AGAINST THE AL QAEDA DEFENDANTS FOR CONSPIRACY**

185. No response is required from DIB to the allegations in this paragraph because Count Seven is not asserted against DIB.
186. No response is required from DIB to the allegations in this paragraph because Count Seven is not asserted against DIB.
187. No response is required from DIB to the allegations in this paragraph because Count Seven is not asserted against DIB.

#### **COUNT EIGHT**

#### **CLAIMS FOR PROPERTY DAMAGE AGAINST ALL DEFENDANTS FOR AIDING AND ABETTING**

188. No response is required from DIB to the allegations in this paragraph because the Aiding and Abetting cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed

to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.

189. No response is required from DIB to the allegations in this paragraph because the Aiding and Abetting cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.
190. No response is required from DIB to the allegations in this paragraph because the Aiding and Abetting cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.

#### **COUNT NINE**

#### **CLAIMS AGAINST ALL DEFENDANTS FOR PUNITIVE DAMAGES**

191. No response is required from DIB to the allegations in this paragraph because the Punitive Damages cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.
192. No response is required from DIB to the allegations in this paragraph because the Punitive Damages cause of action against DIB was dismissed by the Memorandum Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.
193. No response is required from DIB to the allegations in this paragraph because the Punitive Damages cause of action against DIB was dismissed by the Memorandum

Decision and Order of the Court dated June 17, 2010. To the extent these allegations are deemed to require a response, DIB denies these allegations to the extent that they relate to DIB, and DIB is without knowledge or information sufficient to form a belief about the truth of the allegations to the extent these allegations relate to defendants other than DIB and therefore those allegations are denied.

### **PRAYER FOR RELIEF**

DIB denies that Plaintiffs are entitled to recover from DIB any of the relief requested in the WHEREFORE clause. To the extent the WHEREFORE clause relates to defendants other than DIB, DIB is without knowledge or information sufficient to form a belief about whether Plaintiffs are entitled to the relief requested therein and therefore those allegations are denied.

### **JURY DEMAND**

Plaintiffs' statement with respect to a jury trial contains no allegations to which a response is required.

Each and every averment in Plaintiff's Complaint that has not been specifically admitted is hereby denied.

### **AFFIRMATIVE DEFENSES**

#### **First Affirmative Defense**

1. Plaintiffs fail to state a claim for which relief can be granted.

#### **Second Affirmative Defense**

2. This Court does not have personal jurisdiction over Plaintiffs' claims against DIB.

#### **Third Affirmative Defense**

3. This Court does not have subject matter jurisdiction over Plaintiffs' claims against DIB.

#### **Fourth Affirmative Defense**

4. There is no causal connection between any of DIB's activities and Plaintiffs' asserted injuries.

#### **Fifth Affirmative Defense**

5. No act or omission of any agent, servant, or employee of DIB proximately caused any harm or damages to Plaintiffs.

**Sixth Affirmative Defense**

6. Plaintiffs fail to adequately allege scienter.

**Seventh Affirmative Defense**

7. Plaintiffs' damages and injuries were caused by other individuals or entities who are, or are not, named as parties to this action.

**Eighth Affirmative Defense**

8. DIB is not liable for Plaintiffs' damages based on the doctrines of several liability and/or combined or comparative fault, see, e.g., N.Y. C.P.L.R. § 1601 et seq.

**Ninth Affirmative Defense**

9. This Court is not the proper venue for Plaintiffs' claims against DIB.

**Tenth Affirmative Defense**

10. Plaintiffs have waived their claims based on the doctrine disallowing double-recovery.

**Eleventh Affirmative Defense**

11. Plaintiffs have waived their claims based on the collateral source doctrine.

**Twelfth Affirmative Defense**

12. Plaintiffs have waived their claims based on the doctrine of equitable subrogation.

**Thirteenth Affirmative Defense**

13. Plaintiffs have waived their claims based on the doctrine of subrogation.

**Fourteenth Affirmative Defense**

14. Plaintiffs' claims are barred to the extent that they failed to mitigate damages.

**Fifteenth Affirmative Defense**

15. Plaintiffs have waived their claims against DIB.

**Sixteenth Affirmative Defense**

16. Plaintiffs' claims have been waived to the extent that certain Plaintiffs are seeking recovery against DIB for the same or similar claims in other civil actions comprising the multi-district entitled *In re Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (RCC), pending in the United States District Court for the Southern District of New York.

**Seventeenth Affirmative Defense**

17. Plaintiffs' state-law claims are pre-empted by federal law.

**Eighteenth Affirmative Defense**

18. Plaintiffs' claims are barred by the Act of State doctrine.

**Nineteenth Affirmative Defense**

19. Plaintiffs' claims are barred based on principles of International Comity.

**Twentieth Affirmative Defense**

20. Plaintiffs' claims are barred based on Sovereign Immunity.

**Twenty-first Affirmative Defense**

21. Plaintiffs' claims are barred by Political Question doctrine.

**Twenty-second Affirmative Defense**

22. Plaintiffs' claims are barred based on principles of Immunity.

**Twenty-third Affirmative Defense**

23. Plaintiffs' claims are barred by the doctrine of laches.

**Twenty-fourth Affirmative Defense**

24. Plaintiffs' claims have been discharged in bankruptcy.

**Twenty-fifth Affirmative Defense**

25. Plaintiffs' claims are barred by the doctrine of election of remedies.

**Twenty-sixth Affirmative Defense**

26. Plaintiffs have released their claims against DIB.

**Twenty-seventh Affirmative Defense**

27. Plaintiffs have discharged their claims against DIB.

**Twenty-eighth Affirmative Defense**

28. Plaintiffs' claims are barred by the doctrine of compromise and settlement.

**Twenty-ninth Affirmative Defense**

29. Plaintiffs are precluded from asserting their claims by the doctrine of res judicata.

**Thirtieth Affirmative Defense**

30. Plaintiffs are precluded from asserting their claims by the doctrine of collateral estoppel.

**Thirty-first Affirmative Defense**

31. Plaintiffs lack standing to pursue their claims against DIB.

**Thirty-second Affirmative Defense**

32. Plaintiffs' claims are barred by the statute of limitations.

**Thirty-third Affirmative Defense**

33. Plaintiffs are estopped from receiving the relief requested against DIB.

**Thirty-fourth Affirmative Defense**

34. Plaintiffs' claims are invalid in light of workers' compensation laws, regulations, rules, and case law.

**Thirty-fifth Affirmative Defense**

35. Plaintiffs' claims are barred to the extent that they violate DIB's right to Due Process.

**Thirty-sixth Affirmative Defense**

36. Plaintiffs' claims for punitive damages against DIB are invalid because DIB's activities, as alleged by Plaintiffs, were not committed with intent, malice, willful and outrageous conduct aggravated by evil motive, or reckless indifference, and none of DIB's activities in any way were intended to, or did harm, the Plaintiffs in this action.

**Thirty-seventh Affirmative Defense**

37. In response to Plaintiffs' claims, DIB intends to invoke all other defenses, including affirmative defenses, that become apparent in the future (including through discovery), and reserve the right, in accordance with the Federal Rules of Civil Procedure and the Local Civil Rules of the United States District Court for the Southern District of New York, to assert such defenses at a later point in time.

DATED: September 7, 2010

Respectfully submitted,

/s/ Robert G. Houck

Robert G. Houck

Juan P. Morillo (admitted *pro hac vice*)

Steven T. Cottreau (admitted *pro hac vice*)

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